

ORDINANCE NO. 6 2 5 1

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, AMENDING
SECTIONS 13.48.005, 13.48.010, 13.48.190; AND
13.48.210 OF THE AUBURN CITY CODE RELATING
TO THE CITY'S STORM DRAINAGE UTILITY

WHEREAS, the Washington State Department of Ecology (DOE) recently revised its requirements for National Pollutant Discharge Elimination System (NPDES) permits; and

WHEREAS, the City of Auburn operates a storm drainage utility that necessitates an NPDES permit; and

WHEREAS, DOE's revised requirements for NPDES permits affects how the City should engage in certain activities related to its storm drainage utility; and

WHEREAS, in order to comply with the modified requirements, it is appropriate that the City Code relating to storm drainage utility activities be modified.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. That section 13.48.005 of the Auburn City Code be and the same hereby is amended to read as follows:

13.48.005 Purpose.

The city has determined that a storm drainage utility and associated regulations will avoid the creation of public nuisances that would occur without such utility and regulations, and promote the public health, safety and general welfare of the citizens of Auburn. Public nuisances would consist of:

- A. Water-inundated property, both public and private;
- B. Uncontrolled volume increase, rate, or contaminated load of runoff;

C. Degradation of existing water resources such as creeks, streams, rivers, ponds, lakes, groundwater, and other water bodies;

D. Degradation of water used for contact recreation, aquatic habitat, and aesthetic quality;

E. Jeopardy to the city's compliance with federal flood insurance programs.

F. Jeopardy to the city's compliance with the NPDES Western Washington Phase II Municipal Stormwater Permit.

(Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4776 § 1, 1995.)

Section 2. Amendment to City Code.

That section 13.48.010 of

the Auburn City Code be and the same hereby is amended to read as follows:

13.48.010 Definitions.

The following words when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

A. "Base rate" means the monthly charge for service from the storm drainage utility to recover costs incurred by the utility such as administrative, billing and collection.

B. "Charge in lieu of assessment" means a charge made by the city on property which has not previously participated in the cost of a public storm drainage line directly serving the property.

C. "City of Auburn design and construction standards" means the requirements adopted under Chapter 12.04 ACC for storm drainage, sanitary sewer, street, and water design and construction.

D. "Detention" means the temporary storage of storm and surface water runoff with provisions for the controlled off-site surface release of the stored water.

E. "Equivalent service unit (ESU)" means a configuration of development or impervious surfaces estimated to contribute an amount of runoff to the city's storm drainage system which is approximately equal to that created by the average single-family residential parcel. One ESU is equal to 2,600 square feet of impervious surface area or any portion thereof.

F. "Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

G. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

FH. "Impervious" means those portions of a property which are covered with surfaces impenetrable to water such as but not limited to asphaltic concrete, portland cement concrete or roofing. Permanent open water surface such as storm water treatment facilities are not considered impervious.

GI. "National Pollutant Discharge Elimination System (NPDES)" means ~~a federal program enacted under the Clean Water Act, regulated by the Environmental Protection Agency, which requires a permit for discharges of storm water from certain industrial activities to surface waters or municipal storm drainage systems.~~ the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and in Washington State, are administered by the Department of Ecology.

JH. "Parcel" means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for tax purpose and given a tax lot number by the appropriate county assessor for the county in which the parcel is sited.

KL. "Parcel, developed" means any parcel which has been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious surface.

LJ. "Parcel, non-single-family" means any parcel of developed land other than single-family or two-family (duplex) residential.

MK. "Parcel, single-family residential" means any parcel of land having on it a single detached dwelling unit which is designed for occupancy by one family or a similar group of people.

NL. "Parcel, two-family (duplex) residential" means as defined in Chapter 18.16 ACC.

OM. "Parcel, undeveloped" means any parcel which has not been altered from its natural state by grading or filling of the ground surface, or by construction of any improvements or impervious surfaces.

PN. "Retention" means the storage of storm and surface water runoff with no provisions for off-site surface release of the stored water other than by evaporation and infiltration.

QQ. "Storm drainage facility" means any natural stream/creek or constructed component of Auburn's storm drainage system.

RP. "Storm drainage system" means the total system of storm drainage facilities as described in ACC 13.48.030.

S. "Stormwater" means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

TQ. "Utility" means the city storm drainage utility created by the ordinance codified in this chapter.

UR. "Watercourse" means a channel, either natural or manmade, in which a flow of water occurs, either continuously or intermittently.

WS. "Water quality treatment" means an engineered and approved facility to remove contaminants in the existing flow regime of storm water

generated from a developed parcel pursuant to applicable design standards in place at the time of approval. (Ord. 5853 § 1, 2004; Ord. 5530 § 1, 2001; Ord. 5359 § 1, 2000; Ord. 5293 § 2, 1999; Ord. 5212 § 1 (Exh. J), 1999; Ord. 5146 § 1, 1998; Ord. 4492 § 4, 1991.)

Section 3. Amendment to City Code.

That section 13.48.190 of

the Auburn City Code be and the same hereby is amended to read as follows:

13.48.190 Cross connections prohibited.

The construction, use, installation or maintenance or continued existence of illicit of any connections between any to the storm drainage system and any sanitary sewer system is prohibited. This prohibition expressly includes, without limitation, illicit Any such cross connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. Any such connections, now existing or hereafter installed are a nuisance and shall be abated immediately. If, after proper notice, the property owner does not abate the cross connection(s) as directed by the city, then the city shall have the authority to abate such connection(s) and bill the property owner for all reasonable costs. Any delinquent payments shall constitute a lien as fixed by ACC 13.06.300. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

Section 4. Amendment to City Code.

That section 13.48.210 of

the Auburn City Code be and the same hereby is amended to read as follows:

13.48.210 Water quality.

A. Prohibited Discharges. It is unlawful for any individual, firm or corporation to discharge into the public storm drainage system directly or indirectly any liquid or solid foreign substances of biodegradable or other nature which may cause or tend to cause water pollution, including but not limited to the following items:

Petroleum products including but not limited to oil, gasoline, diesel fuel, grease, fuel oil and heating oil; trash and debris; pet wastes; chemicals; paints; paint chips, steam cleaning wastes; wastes from washing of fresh concrete for cleaning and/or finishing purposes or to expose aggregates; laundry wastes; soaps; pesticides, herbicides or fertilizers; sanitary sewage; heated water; chlorinated water or chlorine; degreasers and/or solvents; bark and other fibrous material; antifreeze or other automotive products; lawn clippings, leaves or branches; animal carcasses; silt, sand, dirt or rock; acids or alkalis; dyes (without prior permission of the drainage utility); construction materials or food waste.

The following categories of non-stormwater discharges are prohibited unless the stated conditions are met:

1. Discharges from potable water sources including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and

pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, as determined by colorimetric chlorine test kit; pH-adjusted to within the range of 6.5 to 8.5 pH units as determined by use of a calibrated pH meter or narrow range pH indicator paper with a resolution not greater than ± 0.5 standard units; and volumetrically and velocity controlled to prevent re-suspension of sediments in the public storm drainage system, as determined by visual inspection.

2. Dechlorinated swimming pool discharges. Discharges shall be dechlorinated to a concentration of 0.1 ppm or less, as determined by colorimetric chlorine test kit; pH-adjusted to within the range of 6.5 to 8.5 pH units as determined by use of a calibrated pH meter or narrow range pH indicator paper with a resolution not greater than ± 0.5 standard units; and volumetrically and velocity controlled to prevent re-suspension of sediments in the public storm drainage system, as determined by visual inspection.

3. Street washing at active construction sites. The entire area of street that is to be washed must be cleaned by sweeping before washing is permitted. Street wash water must be collected and be discharged back onto the construction site or otherwise be prevented from entering the public storm drainage system.

4. Other non-stormwater discharges shall be in compliance with the requirements of the stormwater pollution prevention plan reviewed by the City, which addresses control of construction site dewatering discharges.

B. Discharge of Pollutants – Liability for Expenses Incurred by the Utility. Any individual, firm or corporation responsible for pollutant discharge into the public storm drainage system who fails to immediately collect, remove, contain, or treat such materials as directed by the city shall be responsible for the necessary expenses incurred by the city in carrying out any pollutant abatement procedures, including the collection, removal, containment, treatment or disposal of such materials.

C. Permissible Discharges. Discharges from the sources listed below shall only be illicit discharges if the city Public Works Director determines that the type of discharge, whether singly or in combination with others, is a significant source of water pollution:

Individual residential car washing, dechlorinated swimming pool discharges, washing of potable water storage reservoirs; flushing of potable water; natural uncontaminated groundwater; air conditioning condensation; natural springs; uncontaminated water from crawl space pumps; runoff from lawn watering; irrigation runoff; street wash water; discharges in compliance with an NPDES permit; and discharges from approved footing drains and other subsurface drains. Natural uncontaminated groundwater; uncontaminated air conditioning condensation; natural springs; uncontaminated water from crawl space pumps; irrigation runoff from agricultural sources that is comingled with urban stormwater; discharges in compliance with a NPDES permit; and discharges from approved footing drains and foundation drains.

D. Exemption. Discharges resulting directly from public emergency firefighting activities, but not from activities not related to firefighting such as the

maintenance or cleaning of firefighting equipment, are exempt from regulation under this section. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

Section 5. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 6. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 7. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

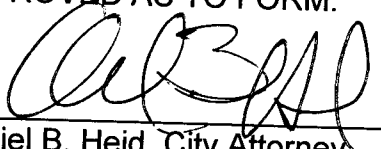
CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'DBH', is written over a horizontal line.

Daniel B. Heid, City Attorney

Published: _____